

Watergate: An End Is in Sight?

Post 4/28/74

ONCE UPON A TIME President Nixon promised to "end the war and win the peace" in the Pacific. Later, we were told, again with respect to Vietnam, and again prematurely, that "peace is at hand." Now, with a flourish of White House trumpets—and perhaps even a new White Paper and maybe another TV Report—we are being asked to believe that with the presentation of "a massive body of evidence" to the House Judiciary Committee on Tuesday, "the end of Watergate will be in sight." The most conspicuous official pre-conditioner of the public mind in this matter is President Nixon's White House Counselor, Dean Burch. In a speech on Friday, Mr. Burch urged the Republican National Committee to "suspend judgment" because the President's response to the Judiciary Committee on Tuesday "will supplant charges and allegations and innuendo; and out of this factual record the whole story will emerge and the whole truth become known." Mr. Burch added: "That body of evidence will be substantial. It will be relevant. It will be compelling and persuasive."

Well, swell. Nothing, in our view, could better serve this country at this time than to be given the "whole truth" about Watergate. But it does not strike us as unreasonable, in advance of Tuesday's promised revelations, to do a little preconditioning of our own, for the unhappy fact of the matter is that we have heard these promises before. We have heard them so many times, indeed, that one has to wonder what it is that suddenly enables the President to do now what he presumably could have done anytime over the last 20 months or so to put an end to the Watergate agony—if it can be so easily done.

What, for example, was the matter with last Thursday, when the President was supposed to have responded to the House Judiciary Committee's request for 42 tape recordings and related material bearing on the impeachment proceedings now under way? The White House explanation was that it takes time to transcribe the tapes and that, anyway, the President wanted to review the material and he was much too busy dealing with the economy and with foreign affairs. And yet, even as the Judiciary Committee was patiently extending the deadline for another five days, the President was flying off to address a rally at Jackson, Miss., in the company of both Mississippi senators and most of the state's House delegation. Mr. Nixon was busy dealing with the tapes and with the issue of impeachment, you might say, in a rather different way.

And what, for another example, was the matter with last February, when the Judiciary Committee first politely asked for material which the White House now says it is ready to produce in "compelling" and "persuasive" form? Why, if the President had it within his power and capacity at that time to put to rest all those "charges and allegations and innuendo," has it taken more than two months, and the issuance of an unprecedented subpoena, for him to do what would have seemed

to have been so entirely in his interest—and the country's—to do immediately?

This is merely to mention the President's dealings with the impeachment proceedings. In support of arguments for a subpoena to procure 64 more tapes and related White House records not long ago, Special Watergate Prosecutor Leon Jaworski recently gave a detailed account of his forlorn attempts over a period of more than three months to obtain this evidence without resort to the courts. It is not a pretty story, when you consider that Mr. Jaworski was asking for this material, not as part of any action against the President, but for use by defendants as well as the prosecution in trials which involve a good number of Mr. Nixon's old associates. The request for a subpoena was swiftly granted by Judge Sirica, but there is as yet no clear indication as to how, in this case, the President will respond.

And then there was the first subpoena for White House records, issued on behalf of the first Special Prosecutor, Archibald Cox. Mr. Nixon battled this one through two adverse court rulings before yielding up seven of the nine requested tape recordings. Not until absolutely forced to do so did the White House reveal that the two missing tapes, by its account, never had existed, and

that one of the seven surrendered tapes had a mysterious, still unexplained, 18½-minute gap. And then there was the effort to order Mr. Cox not to ask for any more material, and the loss of Attorney General Richardson and Deputy Attorney General Ruckelshaus in the process of having Mr. Cox fired. And then there was the disingenuous and aborted attempt at a compromise by which a "summary" of the requested tapes would have been filtered through Senator Stennis. And then . . . but that's enough. In fact, it strikes us as much more than enough to establish a consistent pattern of delay, of evasion and of obstruction of the judicial and legislative processes over more than a year by a President who would have us believe that he now is in a position to furnish us, in one great disgorgement of material, with "the whole story" of Watergate.

On April 30 of last year, you will perhaps remember, Mr. Nixon gave us his first formal accounting for the Watergate affair. He disclaimed any foreknowledge of any misconduct by "people whose zeal exceeded their judgment," promised to do "everything in my power to insure that the guilty are brought to justice" and insisted that from the moment he learned that members of his White House entourage might be involved "I was determined that we should get to the bottom of the matter, and that the truth should be fully brought out, no matter who was involved." On that very day, he went on, he had named Elliot Richardson as his new

Attorney General and had "given him absolute authority to make decisions bearing upon the prosecution of the Watergate case . . . I know that (he) will be both fair and he will be fearless in pursuing this case wherever it leads."

Four days later (no particular thanks to the President, but to the insistence, on threat of resignation, of the responsible officials in the Justice Department) we learned that back in 1971 the office of Daniel Ellsberg's psychiatrist had been broken into by some of the same White House operatives who had burglarized the Democratic Party headquarters at the Watergate. The word "Watergate" suddenly acquired a new dimension and the President's lawyers and wordsmiths went back to the drawing board. On May 22, there issued forth under the President's name a much longer, supposedly definitive White Paper on Watergate. A few salient passages of this document are worth recalling now:

With his selection of Archibald Cox . . . as the special supervisory Prosecutor for matters related to the case, Attorney General-designate Richardson has demonstrated his own determination to see the truth brought out. In this effort he has my full support . . .

. . . executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up . . .

I want to emphasize that this statement is limited to my own recollection of what I said and did relating to security and to the Watergate . . . my own information on those and other matters is fragmentary, and to some extent contradictory.

Less than two months later we learned something about the limits upon the President's "recollection" and about just how "fragmentary" his information was; for, in mid-July we learned of the existence of the ubiquitous, sound-actuated tape recording system in the President's offices. Shortly thereafter, Mr. Nixon was firmly invoking executive privilege and presidential confidentiality and the sanctity of his office in a court proceeding against his own Special Prosecutor's efforts to obtain access to the White House tapes—although he subsequently declined, interestingly enough, to carry this great constitutional issue to the logical conclusion of a Supreme Court test. Six months later, the President abruptly and brutally withdrew his "full support" for Mr. Cox.

It is against this dismal background that we await with interest—and with what we would consider to be a certain justifiable skepticism—the contents and manner of Mr. Nixon's efforts this coming week to bring an end to Watergate "in sight."